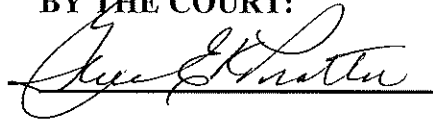




2. The request to award Citizens Bank reasonable attorneys' fees and costs incurred as a result of the removal is **DENIED**.<sup>2</sup>

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gene E.K. Pratter", is written over a horizontal line.

**GENE E.K. PRATTER**  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Citizens Bank initially asked the Court to remand the case and simultaneously award attorneys' fees and costs. *See* Mem. In Support of Emergency Mot. to Remand (Doc. No. 3-1), at 11-12. After USRE 257 filed for Chapter 11 bankruptcy, Citizens Bank acknowledged in a letter to the Court that "the automatic stay imposed by 11 U.S.C. § 362 may prevent this Court from considering or ruling upon the issue of ... fees and costs at this time." Letter (Doc. No. 11), at 1. The parties proposed that the Court "remand this action ... but otherwise preserve all of the parties' rights and interests and that [the Court] retain jurisdiction with respect to Citizens' request for fees and costs ... so that it may be decided at such time that the automatic stay is lifted or the bankruptcy matter is otherwise resolved." *Id.* None of the cases cited by the parties supports the proposition that the Court may retain jurisdiction over the fees issue where, as here, the party from whom fees are sought is under the protection of 11 U.S.C. § 362. In fact, since a fees award would directly impact the parties' financial assets, it is precisely the type of request that § 362 is designed to forestall. *See Sargeant*, 2023 WL 2665717, at \*2-3 (explaining that remand in that case did *not* impact the defendants' financial assets, which § 362 is designed to protect). Because § 362 is meant to furnish USRE 257 with "a breathing spell" from creditors' efforts to unilaterally obtain payment, *id.* at \*2 (quoting *Schaffer*, 2011 WL 1884734, at \*3), it prevents this Court from retaining jurisdiction over Citizens Bank's effort to obtain payment of attorneys' fees.